

10/031,358

REMARKS

Accompanying this response, please find a substitute specification which overcomes the informalities noted below. The undersigned avers that the enclosed substitute specification does not contain any new matter.

The Applicant points out with respect to the above specification amendments that in the translation of the German priority application of the present case, the actual meaning of the German word "Schaltgetriebe" is more correctly translated as --a manual or an automatic transmission--, not merely a manual transmission. Thus, the above amendments to the specification and claims are entered to more properly define and clarify the subject matter of the present invention.

Claim 20 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case.

Claims 13, 14 and 16 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Sherman '111. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

As the Examiner is aware, in order to properly support an anticipation rejection under 35 U.S.C. § 102(b), the cited reference(s) must disclose each and every limitation in the presently claimed invention. The presently claimed invention only has one planetary gear set which can be used for all purposes of the transmission and which makes the complete system easier and cheaper. The Applicant points out that pending claim 13 has been amended to specifically recite "An electrodynamic drive system (2) for a vehicle located between a drive source (4) and a transmission (16), having a single planetary gear set (12).....". The single

planetary gear set is a specific feature which is not shown, disclosed, taught or suggested in any manner by the Sherman `111 reference.

Sherman `111 discloses a transmission having a compounded first and second planetary gear sets (15) situated between an engine as drive source and a transmission. The integrated hybrid transmission with inertia assisted launch which specifically utilizes the compounded first and second planetary gear sets actually comprises a first planetary gear set (19) and a second planetary gear set (21), as set forth at column 2, lines 34-37. Both planetary gear sets are combined by a connecting gear (16), which is a ring gear for the first gear set (19), and simultaneously, a sun gear for the second planetary gear set (21).

As previously discussed and is set forth in claim 1, the presently claimed invention has only a single planetary gear set having only ".....a sun gear (50), an internal gear (10), a planetary gear (36) and a planetary gear carrier (32)....." as recited in claim 13. As this specifically recited and claimed feature of the present invention is neither shown, disclosed nor taught in the applied reference, the Applicant respectfully requests withdrawal of the § 102(b) anticipation rejection.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Sherman `111 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

10/031,358

The Applicant thanks the Examiner for indicating that claims 15, 17-19 and 21-23 are objected to as being dependent upon a rejected base claim would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, the Applicant has added new claim 24, which incorporates the subject matter of claims 13, 14 and 15 and new independent claim 25, which incorporates the subject matter of claims 13 and 19, and thus these new claims are believed to be allowable.

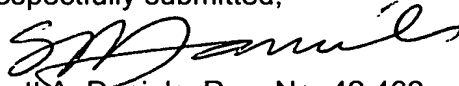
If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Scott A. Daniels, Reg. No. 42,462

Customer No. 020210

Davis & Bujold, P.L.L.C.

Fourth Floor

500 North Commercial Street

Manchester NH 03101-1151

Telephone 603-624-9220

Facsimile 603-624-9229

E-mail: patent@davisandbujold.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as First Class Mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450. June 18, 2003.

By: 

Print Name: Scott A. Daniels